

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
	:	
Plaintiff-Applicant,	:	SIPA Liquidation
	:	
v.	:	No. 08-01789 (CGM)
	:	
BERNARD L. MADOFF INVESTMENT	:	(Substantively Consolidated)
SECURITIES LLC,	:	
	:	
Defendant.	:	
-----	X	
In re	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
-----	X	
IRVING H. PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities LLC,	:	Adv. Pro. No. 10-05345 (CGM)
	:	
Plaintiff,	:	
	:	<b>ORAL ARGUMENT</b>
v.	:	<b>REQUESTED</b>
	:	
CITIBANK, N.A., CITICORP NORTH	:	
AMERICA, INC., AND CITIGROUP GLOBAL	:	
MARKETS LIMITED,	:	
	:	
Defendants.	:	
-----	X	

**NOTICE OF APPEAL**

**Part 1: Identify the Appellant(s)**

1. **Name(s) of appellants:** Citibank N.A., Citicorp North America, Inc., and Citigroup  
Global Markets Limited

**2. Position of appellants in the adversary proceeding that is the subject of this appeal:**

Defendants

**Part 2: Identify the subject of this appeal**

**1. Describe the judgment, order or decree appealed from:** Defendants-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a)(3) from:

- a. Order Denying Defendants' Motion To Dismiss The Complaint Under Bankruptcy Rule 7012(B) And Federal Rule Of Civil Procedure 12(B)(6), dated October 13, 2022 (ECF No. 244) (the "Order"), insofar as the Order denies the Motion to Dismiss in its entirety and results in further proceedings in the Bankruptcy Court.
- b. The Memorandum Decision Denying Defendants' Motion To Dismiss, dated September 27, 2022 (ECF No. 239) (the "Memorandum Decision").

**2. State the date on which the judgment, order, or decree was entered:**

- a. The Order was entered on October 13, 2022. A copy of the Order is annexed hereto as **Exhibit A**.
- b. By order dated October 19, 2022, the Bankruptcy Court extended defendants' time to appeal through November 2, 2022. A Copy of the Order is annexed hereto as **Exhibit B**.
- c. The Memorandum Decision was entered on September 27, 2022 (ECF No. 239). A copy of the Memorandum Decision is annexed hereto as **Exhibit C**.

**Part 3: Identify the other parties to the appeal**

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

<b>Defendants-Appellants</b>	<b>Attorneys</b>
Citibank, N.A., Citicorp North America, Inc., and Citigroup Global Markets Limited	<b>CLEARY GOTTlieb STEEN &amp; HAMILTON LLP</b> Carmine D. Boccuzzi, Jr. One Liberty Plaza New York, New York 10006 Telephone: (212) 225-2000 Facsimile: (212) 225-3999 E-mail: cboccuzzi@cgsh.com

<b>Plaintiffs-Appellees</b>	<b>Attorneys</b>
Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC	<b>BAKER &amp; HOSTETLER LLP</b> David J. Sheehan 45 Rockefeller Plaza New York, New York 10111 Telephone : (212) 589-4616 Email: dsheehan@bakerlaw.com

**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

Dated: November 2, 2022  
New York, New York

Respectfully submitted,

By: /s/ Carmine D. Boccuzzi, Jr.

Carmine D. Boccuzzi, Jr.

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*Attorneys for Citibank, N.A., Citicorp North America,  
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